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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,858	05/19/2000	Yoshinori Shimizu	450100-02472	1668
20999	7590	01/12/2005	EXAMINER	
FROMMER LAWRENCE & HAUG				VENT, JAMIE J
745 FIFTH AVENUE- 10TH FL.				ART UNIT
NEW YORK, NY 10151				PAPER NUMBER
				2616

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/575,858	SHIMIZU, YOSHINORI
	Examiner	Art Unit
	Jamie Vent	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 04 August 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed August 4, 2004, have been fully considered but they are not persuasive.

On Pages 8-10 applicant argues that Koyama et al fails to disclose, teach, or suggest the limitation of "selecting means for selecting an output type of the index picture for a display device" as seen in Claim 1. It is noted in Figure 47 a selecting of output of the index picture for the display as seen in steps 172 to step 180. As seen in step 172 the setting of coefficients of the encoding allows the system to select the output type of the index picture based on the type of resolution (high or low) for the display device and as further described in Column 69 Lines 37-67 and thereby meeting the limitation of selecting an output type. Although, applicant's points are understood examiner cannot agree. Therefore, the rejection is maintained.

Examiner also notes in previous office action an error occurred when stating the patent number of Koyama et al. The office action dated January 21, 2004 stated the patent number to be US 6,112,010, which is incorrect. It is noted the correct patent number to be Koyama et al US 6,011,897.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 are rejected under 35 U.S.C. 102(b) as being unpatentable by Koyama et al (US 6,011,897).

**[claims 1 and 9]**

In regard to Claims 1 and 9, Koyama et al discloses a reproducing apparatus and method for receiving contents data from a record medium or transmission medium the reproducing apparatus comprising:

- Index picture generating means for retrieving a picture frame from the content data, and generating an index picture, wherein the picture frame size of the index picture is smaller than the picture frame size of the contents data (Figure 4 shows a picture processing controller 14 which retrieves index pictures from the content data as described in Column 16 Lines 45-52. Furthermore, it is disclosed the index picture is smaller than the picture frame size of the content data due to the system setting the data size of the file as seen in Figure 10 s16);
- Selecting means for selecting an output type of the index picture for a display device (Figure 47 shows the selecting of the output of the index picture for the display as seen through steps s172 to s180. By setting the coefficients of the encoding allows for the system to select the output type of the index picture based on resolution for the display device as further described in Column 69 Lines 37-67);
- Picture processing means for processing the index picture data according to the output type selected by said selecting means (Figure 52 intermediate resolution coefficient prediction circuit 63 and lower resolution coefficient predicting circuit 64 shows the processing of the index picture data according to the output type of low or high resolution);

- Display means for displaying on the display device the index picture formed by said picture processing means (Figure 38 step s137 and s132 shows the displaying of the index picture that has been formatted for recording);
- Wherein at least one index picture formed by the picture processing means is arranged in one direction on the display device (Figure 39 shows the arrangement of index pictures onto the display device which was formed after the picture processing occurs).

**[claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14]**

In regard to Claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14, Koyama et al discloses a reproducing apparatus and method wherein the picture processing comprises:

- converts the component format of the index picture data (Figure 4 shows the apparatus while Figure 9 shows the method of formatting the index picture);
- Mono-chrome data generating source and adds mono-chrome data generated by the mono-chrome data generating source to the picture frame of the index picture data in a frame shape and adds the mono-chrome data to the picture frame of the index picture data so that pictures of different picture frame sizes are converted into pictures of the same picture size (Column 12 Lines 40+ disclose how mono-chrome data is entered as well as how pictures with different frame size is converted into pictures having the same frame size); and
- Enlargers or reduces the picture frame size of the index picture data so that pictures of different picture frame sizes are converted into pictures of

the same picture frame size (Figure 9 steps s4 enlarges or reduces the picture frame size while s6 determines that there is enough room for recording and is discussed in Column 12 Lines 59+).

**[claims 7 and 15]**

In regard to Claims 7 and 15, Koyama et al discloses a reproducing apparatus and method wherein the index picture data includes a first and data of one of the field and the second field that is not being displayed is written (Column 14 lines 1+ discuss how a index picture data and second index picture are composed of the and second field and the are stored as seen in Figure 6 and only the picture images are displayed).

**[claims 8]**

In regard to Claim 8, Koyama et al discloses a reproducing apparatus and method wherein the said index picture generating means is used for decoding process for obtaining the index picture data (Figure 36 step s71 where the picture data is recorded after having undergone fixed length encoding along with the header is read out as it is without allowing it to undergo expansion decoding processing to transfer to main memory 11a).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama et al (US 6,011,897) in view of Hoshi (US 5,943,102).

**[claims 16 & 17]**

In regard to Claims 16 and 17, Koyama et al discloses the recording apparatus output to a display, as seen in Figure 38 s137; however, fails to disclose that the type of output to be selected is either NTSC or PAL. Hoshi et al discloses an image data decoding method that compares information for display depending on resolution to be displayed. The information to be displayed has various display modes that can be selected, such as NTSC/PAL as disclosed in Column 12 Lines 42-55. Therefore, it would be obvious to one of ordinary skill in the art to use the reproducing apparatus that generates index pictures for displaying and reproducing, as disclosed by Koyama et al, and incorporate an output type of NTSC or PAL depending on the display apparatus, as disclosed by Hoshi et al, which will allow for a better display of the index picture on the display.

#### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Contact Fax Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 703-305-0378. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jamie Vent*

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01/05/2005

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